

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: RUSSELL M. YANKWITT
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Telephone: (212) 637-2745
Facsimile: (212) 637-2686

FILED
U.S. DISTRICT COURT
2007 DEC 19 P 12:12
S.D. OF N.Y. W.P.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

Plaintiff,

- against -

WESTCHESTER MEDICAL CENTER,

Defendant.
-----X

'07 CIV 11380
BRIANT

07 Civ. ____ ()

COMPLAINT OF THE
UNITED STATES OF AMERICA

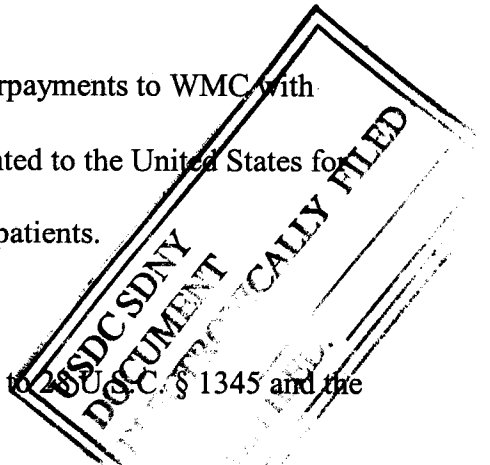
The United States of America, by its attorney, Michael J. Garcia, United States Attorney
for the Southern District of New York, for its complaint alleges as follows:

1. This is a civil action brought by the United States of America (the "United
States") against Defendant Westchester Medical Center ("WMC") under the common law of
unjust enrichment.

2. The United States seeks to recover payment for overpayments to WMC with
respect to claims for payment from 1998 to 2002 that WMC presented to the United States for
laboratory tests relating to End Stage Renal Disease ("ESRD") outpatients.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the claims pursuant to 28 U.S.C. § 1345 and the



Court's equitable jurisdiction.

4. Venue lies in the district pursuant to 31 U.S.C. § 1391(c) because WMC does substantial business in this district.

PARTIES

5. Plaintiff is the United States.

6. WMC is a hospital located in Valhalla, New York.

FACTS

7. The United States audited WMC's ESRD outpatient billings from 1998 to 2002.

8. Based upon this audit, the Government alleges, on information and belief, that WMC submitted claims for payment for laboratory tests for ESRD outpatients that: (i) were billed more frequently than allowed by the composite rate for ESRD, given the medical history of the patients; (ii) did not contain the necessary medical justification; (iii) did not contain adequate lab results for the dates of service; and (iv) were for tests that had already been paid in the composite rate set by the Government.

9. After extrapolating from the audit of outpatient ESRD claims from 1998 to 2002, the Government determined that WMC was unjustly enriched in the amount of \$65,000.

FIRST CLAIM

Unjust Enrichment

10. The United States incorporates by reference paragraphs 1 through 9 above as if fully set forth herein.

11. By reason of the payment by the United States to WMC, based on bills it presented to the Government, WMC was unjustly enriched. The circumstances of WMC's

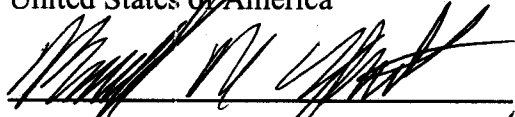
receipt of this payment are such that, in equity and good conscience, WMC should not retain this payment, the amount of which the Government has concluded is \$65,000.

WHEREFORE, Plaintiff, the United States, requests that judgment be entered in its favor and against the defendant in the amount of \$65,000.

Dated: New York, New York
December 17, 2007

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York,
Attorney for Plaintiff
United States of America

By:



RUSSELL M. YANKWITT RY 6487
Assistant United States Attorney
86 Chambers Street, 6th Floor
New York, New York 10007
Telephone: (212) 637-2745
Facsimile: (212) 637-2686